



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

September 3, 2021

BY CM/ECF

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
Daniel P. Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Nicholas Joseph, S2 20 Cr. 603 (PKC)*

Dear Judge Castel:

On August 27, 2021, the Government updated the Court regarding the whereabouts of the defendant's legal papers following the defendant's transfer from the Metropolitan Detention Center ("MDC") to the Metropolitan Correctional Center ("MCC"), as ordered by the Court during the final pretrial conference. (Dkt. 45). The Government writes to update the Court regarding its efforts to locate the defendant's missing legal materials described in the defendant's August 29, 2021 letter.

The Government forwarded the defendant's August 29, 2021 letter to BOP Legal that same day, and BOP Legal responded on August 30, 2021 that according to MCC staff, the defendant was in possession of his legal paperwork. The Government has also followed up with BOP Legal to communicate defense counsel's continuing concerns regarding additional missing legal paperwork on August 30, August 31, September 2, and September 3, 2021 and passed along descriptions of the specific items listed in the defendant's letter. As of today, however, the Government has received no additional information from BOP Legal regarding the whereabouts of the missing items described by the defendant.

For the same reasons set forth in the Government's August 24, 2021 letter, (Dkt. 43), the Government also opposes the defendant's renewed request for a two to three week adjournment of the September 8, 2021 trial. Indeed, the defendant's letter does not make clear why the defendant's missing property requires an adjournment of the trial date, especially in light of the fact that the defendant has been in possession of the Rule 16 discovery materials in this case for months and the Government produced 18 U.S.C. § 3500 materials two weeks in advance of trial.

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Moreover, the Government has endeavored to ensure that the defendant has full access to discovery and other materials in advance of trial, including, for example, offering to print and deliver documents to MCC. As a result, the Government adheres to its view that the Court's schedule up to this point has provided more than adequate time for the defendant to be prepared for trial on September 8, 2021.

Respectfully submitted,

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cc: Counsel of record (by CM/ECF)